

# Lawyers, Journalists, and Media Matters

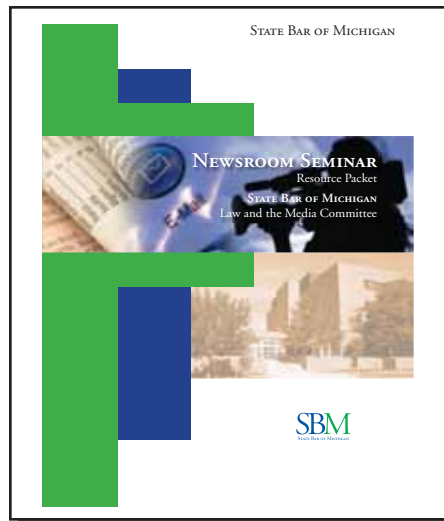
By Naseem Stecker

**D**espite the whirlwind of change over the last few years, traditional media like broadcast and print platforms continue to survive and evolve, riding the digital wave by becoming more interactive. Remember when television came along in the 1950s and many predicted the demise of radio? That did not happen. In fact, radio has not only survived, but is currently gaining listenership. The increased hybridization of the media—newspapers merging print and digital operations, magazines embracing tablet computers, advances of mobile applications and social media, online streaming of television and newscasts—have all heralded a brave new world of communications. But in covering the news of the day, all responsible journalists know there are constants like accuracy, objectivity, and clarity. Step into this world with members of the State Bar’s Law and the Media Committee as they strive to promote better understanding between the legal and media professions in changing times and uncertain realities.

Suspend disbelief for a while and walk in the shoes of journalist Erica Accurate. Suppose she is making the rounds at the courthouse one afternoon and stumbles upon what appears to be the conclusion of a hearing in the child pornography case of the owner of a local day-care center. Interest in the case is high, especially after a police search of the owner’s home allegedly led to the seizure of hundreds of pornographic videotapes involving minors, and to the arrest of the owner on multiple charges. His attorney has been muzzled because of a gag order imposed by the judge.

As Erica wanders in, the trial judge is just finishing reading an opinion or order from the bench that appears to grant a motion to suppress evidence collected from the day-care owner’s home. The reasons for sup-

pression of the evidence are not immediately clear to Erica. After stating that “for the foregoing reasons, the motion to suppress is hereby granted,” the trial judge says, “you are excused” and leaves the bench. No



other reporters are in the courtroom. Does Erica have enough for a story? What is the story? What, if anything, can she do to get more information?

The scenario above is one in a series of hypothetical fact patterns written and created by Thomas Howlett, a trial attorney with the Googasian Firm in Bloomfield Hills and current chairperson of the Law and the

Media Committee. He’s had a decade of experience with this group and was also chair from 1999 to 2005. He was a former reporter at the *Dallas Morning News* and the *Los Angeles Times*.

“I may have written the hypos, but I’ve really enjoyed developing and honing them over the years with current and former committee members Eric Freedman, Jim Mitzelfeld, Andy Doctoroff, and Jesse Green,” Howlett said. “With so many of our committee members having valuable journalism experience, it’s always been a collaborative effort.”

Law and the Media Committee members were in Lansing in March to conduct a newsroom seminar for WLNS-TV staff. As in similar presentations, the idea is to address some of the common difficulties journalists face in covering the legal system. As each hypothetical fact pattern is discussed, Howlett and fellow panelists Doctoroff and Green (both former chairpersons) and Elizabeth Favaro respond to questions, share their thoughts, and give tips. As the session progresses, their audience becomes more and more animated. By the end of the hour they’ve absorbed information that will make their next legal story much easier to pull together. Soon, more one-on-one conversations follow. More questions, more answers.

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**—Thomas Howlett, Law and the Media Committee Chairperson**

media about how to access and understand legal issues because many of us previously worked in the journalism profession. Our hypos allow us to engage in discussions with reporters on these issues in situations explored from the perspective of reporters. By leading discussions of fact patterns in which we stand in the shoes of reporters and editors, we can illustrate and discuss matters that are important to media covering the legal system such as how to access court files, how to determine where a legal matter is pending, and how to provide context to readers and viewers about something that has happened in our legal system.”

In the missed hearing of the high-profile child pornography case, for instance, the journalists learned that courts, through their chambers, may accommodate requests for information on their rulings; clerks’ offices often maintain video of proceedings; motion papers are public and often available online; and gag orders do not apply to non-participants in cases. The news team also gets a better grasp of the different kinds of courts in Michigan and which decisions are handed out from each. Michigan does not currently have a unified system of court recordkeeping, so they learn where to search for records. They’re advised to cultivate relationships with lawyers and to use electronic resources like PACER for information about federal court cases.

Over the past decade, these seminars have bolstered ties with the media with presentations in Kalamazoo, Flint, Mount Pleasant, Birmingham, Royal Oak, Southgate, Lansing, Southfield, Ann Arbor, Interlochen, and other Michigan cities.

“Based on the responses that we have received over the years, I like to think that the seminars have positively impacted hun-

dreds of Michigan journalists,” Howlett said. “They seem to leave the seminars with a better understanding of how to gather information about events in our courts in an accurate manner. Importantly, they also appreciate that the State Bar can be a resource for them in speaking to lawyers who may be able to help them in preparing reports that are clear and that have context. The Bar invariably receives follow-up calls from journalists who have attended our seminars.”

Lawyers and journalists have common interests and share some deeply held beliefs. Both view a free press as a basic building block of our democratic society. Nearly 40 years ago, the State Bar established the Advancement of Justice Awards for journalists. The aim was and still remains the same—promoting a greater understanding of the role of a free press in a free society. In 1987, these prestigious awards were renamed to honor Wade H. McCree Jr., a legal legend whose career included service as a federal judge, law professor, and solicitor of the United States. Appropriately, the Law and the Media Committee oversees the Mc-

Cree awards, and the State Bar’s Media and Public Relations office administers the process. In recent years, some of our McCree Award recipients have gone on to become Pulitzer Prize winners, as in the case of *Detroit Free Press* reporters Jim Schaefer and M. L. Elrick.

The Law and the Media Committee also hosts Dealing with the Media seminars for lawyers so they can respond meaningfully to media queries about newsworthy legal stories and remain within the ethical boundaries imposed by the Michigan Rules of Professional Conduct. Over the years, presentations complete with written handouts on the rules for engaging the media have been made before the Macomb, Oakland, and Rochester bar associations; the Women Lawyers Association of Michigan; the State Bar Family Law Section; the Attorney Discipline Board; the Bar Leadership Forum; and the State Bar Representative Assembly. The committee is also reviewing new possibilities like webinars and video seminars, addressing social media, and compiling a frequently asked questions guide. To schedule a free seminar in conjunction with a business meeting or conference programming, please contact Tom Howlett at (248) 540-3333 or [thowlett@gooasian.com](mailto:thowlett@gooasian.com). ■

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